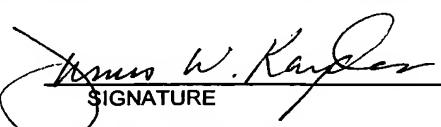


<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>80350-1230</b>
INTERNATIONAL APPLICATION NO. <b>PCT/FR02/04589</b>	INTERNATIONAL FILING DATE <b>30 December 2002</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/500, 228</b>
PRIORITY DATE CLAIMED <b>28 December 2001</b>		
TITLE OF INVENTION <b>Multiple-Pouch Intragastric Balloon Surgical Device for ... Same</b>		
APPLICANT(S) FOR DO/EO/US <b>LOINTIER et al.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11 to 20 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>Return Postcard; Certificate of Express Mail; Credit Card Form</b></li> </ol>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Petition for Ext. of Time (2 copies); Petition Re: Uncooperative Inventor under 37 C.F.R. 1.47(a);  
Response to Notice to File Missing Req.; Copy of Notice to File Missing Requirements;  
Copies of Return Receipt and Letter Sent to Inventor for 1.47(a) Petition*

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/500,228		PCT/FR02/04589		80350-1230	
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input type="checkbox"/> Basic national fee ..... \$300				\$	
22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$100 All other situations ..... \$200				\$	
23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared and provided to the Office ..... \$400 All other situations ..... \$500				\$	
<b>TOTAL OF 21, 22 and 23 =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	\$	
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). <i>Petition Under 37 C.F.R. 1.47(b) Fees</i>				\$ 200.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	- 20 =		x \$ 50	\$	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 222.00 (additional claims fees)	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). <i>Petition for Ext. of Time Fees (5 mo.)</i> +				\$ 1080.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 1502.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1502.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-0778</u> . A duplicate copy of this sheet is enclosed.					
d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
KAYDEN, James W.					
THOMAS, KAYDEN, HORSTEMEYER & RISLEY,					
LLP.					
100 Galleria Parkway, N.W., Suite 1750					
Atlanta, GA 30339-5948					
US					
 SIGNATURE <u>James W. Kayden</u> NAME					
31,532					
REGISTRATION NUMBER					

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
UNDER THE PATENT COOPERATION TREATY

In Re Application of: **LOINTIER et al.**  
U.S. Serial No.: 10/500,228  
(Nat. Phase of Int. Appl. No.: PCT/FR02/04589)  
U.S. Filing Date: June 25, 2004  
(Int. Filing Date: 30 December 2002)  
Title: MULTIPLE-POUCH INTRAGASTRIC BALLOON, SURGICAL DEVICE FOR EXPANDING  
SAID BALLOON AND METHOD FOR MAKING SAME  
Atty Docket No.: 80350-1230

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

Mail Stop PCT (DO/EO/US)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

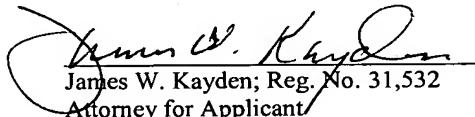
Sir:

Enclosed for filing in the above-captioned International application are the following documents:

1. Transmittal Letter (duplicate copy of fee page);
2. Credit Card Payment Form in the amount of \$1502.00 for Additional Claims Filing Fees (\$222.00), Filing Fees for Petition Under 1.47(a) (\$200.00), and Petition for Extension of Time Filing Fees (\$1080.00);
3. Petition For Extension of Time Under 37 CFR 1.136(a) (two copies);
4. Copy of Notification of Missing Requirements under 35 U.S.C. 371;
5. Response to Notification of Missing Requirements under 35 U.S.C. 371;
6. Executed Combined Declaration and Power of Attorney;
7. Petition Under 1.47(a) Regarding Uncooperative Inventor;
8. Copy of Letter Sent By Client to Inventor Regarding Oath & Declaration;
9. Copy of Return Receipt; and
10. Return receipt postcard.

The Commissioner is authorized to charge the deposit account No. 20-0778 any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0778.

Respectfully submitted,

  
James W. Kayden; Reg. No. 31,532  
Attorney for Applicant

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway, N.W.  
Atlanta, GA 30339-5948  
Telephone: (770) 933-9500  
Facsimile: (770) 951-0933

I hereby certify that all correspondence listed above are being deposited for delivery to the above addressee, with the United States Postal Service as "Express Mail", under Express Mail Label No. **EV558415155US** service under 37 CFR 1.10 on the date indicated below.

Date: 11 May 2005

  
Lara L. O'Brien

Old/10

11 MAY 2005

10/500228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 7480

LOINTIER et al.

#  
3

Serial No: 10/500,228

Docket No.: 80350-1230

PCT Filing Date: 30 December 2002

For: MULTIPLE-POUCH INTRAGASTRIC BALLOON, SURGICAL DEVICE  
FOR EXPANDING SAID BALLOON AND METHOD FOR MAKING  
SAME

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371**

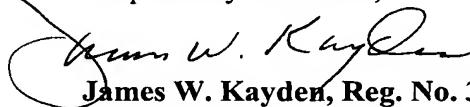
Mail Stop PCT (DO/EO/US)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Requirements mailed on November 16, 2004, the Applicant herewith submits a signed Combined Declaration and Power of Attorney and additional claims fees in the amount of \$222.00 in connection with the above-identified application. We further enclose the Petition for Extension of Time Fees (along with the \$1080.00 fees) along with a Petition Under 37 C.F.R. 1.47(a) Regarding an Uncooperative Inventor (along with the \$200.00 petition fee).

If the Office believes that additional fees may be required, the Office is authorized to charge any deficiency to Deposit Account No. 20-0778.

Respectfully submitted,



James W. Kayden, Reg. No. 31,532  
Attorney for Applicant

05/16/2005 GFREY1 00000085 200778 10500228  
02 FC:1463 200.00 0P  
03 FC:2615 75.00 0P  
04 FC:2614 853.00 DA 147.00 0P

THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.

100 Galleria Parkway, NW, Suite 1750  
Atlanta, Georgia 30339-5948

Date: 11-May 2005  
Customer No: 24504



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/500,228	Patrice Henri Lointier	80350-1230

Thomas Kayden Horstemeyer & Risley  
 100 Galleria Parkway, NW  
 Suite 1750  
 Atlanta, GA 30339-5948

INTERNATIONAL APPLICATION NO.	
PCT/FR02/04589	
IA. FILING DATE	PRIORITY DATE
12/30/2002	12/28/2001

CONFIRMATION NO. 7480  
 371 FORMALITIES LETTER



\*OC000000014312893\*

Date Mailed: 11/16/2004

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/25/2004
- Copy of the International Search Report filed on 06/25/2004
- Copy of IPE Report filed on 06/25/2004
- Preliminary Amendments filed on 06/25/2004
- Information Disclosure Statements filed on 06/25/2004
- U.S. Basic National Fees filed on 06/25/2004
- Priority Documents filed on 06/25/2004

DOCKETED

RESPONSE DUE 11/16/05

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$222 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$222 for a Small Entity:

THOMAS, KAYDEN  
 HORSTEMEYER & RISLEY, LLP  
 NOV 19 2004

- Total additional claim fee(s) for this application is **\$ 222**

- **\$132** for **3** independent claims over **3**.
- **\$90** for **10** total claims over **20**.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

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Telephone: (703) 305-3656

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,228	PCT/FR02/04589	80350-1230

FORM PCT/DO/EO/905 (371 Formalities Notice)